

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR 24 AM 9:38

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
'08 MJ 0898

UNITED STATES OF AMERICA,

Plaintiff,

v.

Shane Alan CALHOUN (D1)

and

James Michael MOONEYHAM (D2)

Defendants.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

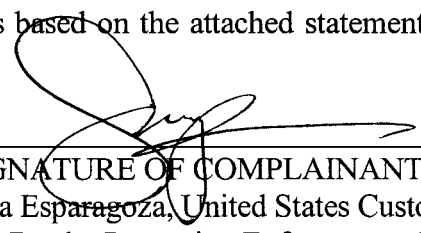
Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation (Felony)

DEPUTY

The undersigned complainant being duly sworn states:

On or about **March 22, 2008**, within the Southern District of California, defendants **Shane Alan CALHOUN (D1)** and **James Michael MOONEYHAM (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Maria Elena ANTONIO-Hernandez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **24th** day of **March 2008**.


UNITED STATES MAGISTRATE JUDGE

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I, United States Customs and Border Protection (CBP) Enforcement Officer Lilitiana De Anda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Maria Elena ANTONIO-Hernandez** is citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 22, 2008, at approximately 07:35 AM, **Shane Alan CALHOUN (D1)** made application for admission into the United States from Mexico through the vehicle primary lanes at the Otay Mesa Port of Entry. D1 was the driver of a 1989 Honda Civic bearing California license plates. D1 was accompanied by his younger brother, **James Michael MOONEYHAM (D2)**, who was seated on the front passenger seat. D1 and D2 verbally claimed to be United States citizen to a Customs and Border Protection Officer (CBPO). D1 and D2 presented as proof of identity their California Birth Certificates and California Identification Cards. The CBP Officer received a negative declaration from D1. Upon questioning, D1 gave a negative Customs declaration and stated he was en route to El Cajon, California. The CBP Officer asked what was the purposed of their trip to Mexico. D1 stated to see girls. The CBP Officer conducted a cursory inspection of the vehicle and discovered a female concealed in a non factory compartment located between the trunk and back seat of the vehicle. The CBP Officer requested assistance from other Officers, and subsequently the occupants and the vehicle were escorted to secondary for further investigation.

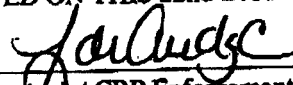
In secondary, a female was extracted from the back seat of the vehicle and is now identified as material witness: **Maria Elena ANOTONIO- Hernandez**. Material Witness is a citizen and national of Mexico without legal entitlements to enter, pass through, or reside in the United States.

During a videotaped proceeding, D1 was advised of his Miranda Rights. D1 acknowledged his rights and agreed to submit to questioning without an attorney present. D1 stated that on Friday March 21, 2008 at approximately 9:00 PM he went to Tijuana, Baja California, Mexico with D2. D1 stated they spent the night at different clubs and further stated they met with an individual named "Joe" whom they borrowed the vehicle to cross the border. D1 denied knowledge of the concealed alien in the vehicle.

During a video taped proceeding, D2 was advised of his Miranda Rights. D2 acknowledge his rights and agreed to submit to questioning without an attorney present. D2 admitted knowledge to attempting to smuggle an alien into the United States and stated he and D1 were going to receive approximately \$1,500 USD for the smuggling act. D2 stated D1 was present when the smuggling arrangements were conducted.

During a videotape interview, Material Witness declared she is a citizen of Mexico who has no legal right to enter the United States. Material Witness stated she was en route to Los Angeles, California to resume living. Material Witness stated she was going to pay \$3,400 USD to be smuggled into the United States.

EXECUTED ON THIS 22nd DAY OF MARCH 2008 AT 4:00 PM.


Lilitiana De Anda/ CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendants named therein committed the offense on March 22, 2008 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

3/23/08, 1457 hrs
DATE / TIME